

**DECISION RECORD**  
**CLAN ALPINE HERD MANAGEMENT AREA HORSE GATHER PLAN**  
**IN CHURCHILL COUNTY, NEVADA**

**Environmental Assessment**  
**DOI-BLM-NV-C020-2010-0019-EA**  
**Clan Alpine, Pilot Mountain and Pine Nut Herd Management Area Gather Plan**

**BACKGROUND**

The Bureau of Land Management (BLM) Stillwater Field Office (SFO) has determined to implement a wild horse gather within the Clan Alpine Herd Management Area (HMA) located on public lands in Churchill County, Nevada. The HMA includes portions of the Clan Alpine, Dixie Valley and Cow Canyon livestock grazing allotments. The HMA consists of approximately 314,986 acres and includes some parcels of private lands. The Clan Alpine HMA includes nearly the entire Clan Alpine Wilderness Study Area (WSA).

The Appropriate Management Level (AML) of 619-979 wild horses for the Clan Alpine HMA was established through Final Multiple Use Decisions (MUDs) following in-depth analyses of habitat suitability, resource monitoring and population inventory data. A population inventory conducted in 2010 documented 524 horses within the boundaries of the Clan Alpine HMA. The current population estimate is 724 horses within the HMA boundaries.

The Proposed Action Alternative (EA page 14-15) is to gather approximately 580 wild horses, treat approximately 232 mares with a fertility control vaccine and release all 580 wild horses back into the Clan Alpine HMA. If gather efficiency exceeds 80% additional mares will be treated and released back into the HMAs. Wild horses residing outside the HMA boundaries, any weaned foals, any yearlings, any orphaned foals may be removed and made available for adoption to qualified individuals. The Proposed Action Alternative is consistent with the Carson City Consolidated Resource Management Plan (CRMP), facilitates the AML management objectives and would maintain a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required by the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended). The BLM intends, if necessary, to return to the HMA in 2-3 years to gather and re-treat the mares to maintain AML through population control measures. The Proposed Action Alternative decision is a site-specific action located on public lands administered by the BLM Carson City District Office (CCDO). The gather has been planned with input from the interested public and users of public lands.

The potential environmental impacts from the Proposed Action Alternative and No Action Alternatives were evaluated in the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Areas Gather Plan Environmental Assessment (EA) (DOI-BLM-NV-C020-2010-0019-EA). The Proposed Action Alternative has no known effects on the human environment. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action Alternative were not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

**DECISION**

Based on the analysis in the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Areas

Wild Horse Gather Plan DOI-BLM-NV-C020-2010-0019-EA, it is my decision to implement the Proposed Action Alternative for the Clan Alpine HMA wild horse gather, effective immediately pursuant to 43 CFR § 4770.3(c). The Proposed Action Alternative will maintain the prescribed AML within the Clan Alpine HMA while ensuring the continued viability of the herd. I have concluded that gathering the 580 horses, treating 232 mares with a fertility control vaccine and releasing all 580 wild horses back into the HMA is necessary to preserve a thriving and natural ecological balance and multiple-use relationship within the HMA as specified in the CRMP and as directed by the 1971 WFRHBA as amended. All reasonable precautions will be taken to avoid injury to the horses and to ensure the safety of personnel involved in gather operations and the observing general public.

#### **AUTHORITY**

The Proposed Action Alternative is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs.

The Proposed Action is in conformance with the 1971 WFRHBA as amended (by the Public Rangelands Improvement Act of 1978), and the applicable implementing regulations at 43 CFR §4700, §4700.0-6 Policy, 43 CFR §4710.3-1-Herd Management Areas, 43 CFR §4710.4-Constraints on Management, 43 CFR §4720.1 - Removal of excess animals from public lands, 43 CFR §4740.1-Use of Motor Vehicles or Aircraft, and 43 CFR §4700.0-6-Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat, 43 CFR 4770.3(c) – Decisions to remove wild horses or burros from public lands shall be effective upon issuance or on a date established in the decision in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship.

The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, county, State, tribal governments and other federal agencies.

#### **PUBLIC INVOLVMENT**

The EA was made available for public review and comment on August 23, 2010. Letters were sent to individuals, organizations and agencies listed on the Carson City District Office (CCDO) Wild Horse and Burro Program mailing list. Notification of the availability of the EA was made through the Nevada State Clearinghouse. The CCDO published news releases to the *Lahontan Valley News*, *This is Reno*, *My News 3\**, *My News 4\**, *Reno Gazette-Journal\** (\*web versions) and the *Mineral County Independent*. BLM staff presented information on the horse gather to the Mineral County Commissioners and the U.S. Army Hawthorne Ammunition Depot. The BLM comment period closed on September 23, 2010, although comments received in a timely manner after this date were also considered. The EA was made available by hard copy at the CCDO, and on the website at:

[http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field/blm\\_information/nepa.html](http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html).

Comment letters from the public, organizations and agencies were received by email, fax and mail delivery. All comments were reviewed, considered and then categorized. Comment letters were broken down into categories. A summary of the consolidated Public Comments and BLM

Responses are noted in Appendix G of the Final EA. Several minor changes were made to the content of the Final EA.

### **RATIONALE**


Upon analyzing the impacts of the Proposed Action Alternative and following issuance of the EA for public review, I have determined that implementing the Proposed Action Alternative will not have a significant impact to the human environment and that an environmental impact statement is not required. Refer to the attached finding of No Significant Impact (FONSI).

The gather is necessary to maintain the established Clan Alpine AML ranges and to facilitate fertility control measures. The BLM is required to manage multiple uses in a manner that avoids degradation of the rangelands, maintain a thriving natural ecological balance between wild horses, wildlife, livestock and resolve public health and safety concerns. The Proposed Action Alternative will achieve the Wild Horse management objectives identified in the CRMP.

### **APPROVAL**

The Clan Alpine HMA Horse Gather is approved for implementation immediately, and the gather is approved to begin on or about early February 2011 and take eighteen (18) days to complete. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 9c) because managing wild horses within the AML is necessary to protect animal health and prevent deterioration of rangeland resources.

  
Teresa J. Knutson, Manager  
Stillwater Field Office  
Carson City District Office

  
Date

## **APPEAL PROCEDURES**

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Teresa J. Knutson, Stillwater Field Manager  
BLM, Carson City District Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.